



General Assembly

Substitute Bill No. 5893

January Session, 2009

* _____ HB05893PH _____ 032309 _____ *

**AN ACT ESTABLISHING AN EMERGENCY RESPONSE SYSTEM OF
VOLUNTEER HEALTH CARE PRACTITIONERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2010*) As used in this section
2 and sections 2 to 6, inclusive, of this act:

3 (1) "Disaster relief organization" means an entity that: (A) Provides
4 emergency or disaster relief services that include health care services
5 provided by volunteer health care practitioners, and (B) is designated
6 or recognized as a provider of such services pursuant to a disaster
7 response and recovery plan adopted by any agency of the federal
8 government, the Department of Public Health or the Department of
9 Emergency Management and Homeland Security; or regularly plans
10 and conducts its activities in coordination with any agency of the
11 federal government, the Department of Public Health or the
12 Department of Emergency Management and Homeland Security.

13 (2) "Emergency" has the same meaning as in section 28-1 of the
14 general statutes, and includes a public health emergency, as defined in
15 section 19a-131 of the general statutes.

16 (3) "Emergency declaration" means the Governor's declaration of a
17 civil preparedness emergency pursuant to section 28-9 of the general
18 statutes or of a public health emergency pursuant to section 19a-131a

19 of the general statutes.

20 (4) "Emergency Management Assistance Compact" means the
21 interstate compact established under section 28-23a of the general
22 statutes.

23 (5) "Entity" means a person other than a natural person.

24 (6) "Health care practitioner" means an individual licensed under
25 chapters 370, 378, 378a, 383, 384d and 400j of the general statutes or the
26 laws of another state to provide health care services, mental health
27 services, emergency medical services through a licensed emergency
28 medical services provider, or general or specialized surgery.

29 (7) "Health care services" means any care, service or treatment of an
30 illness or dysfunction of, or injury to, the human body, including, but
31 not limited to: (A) Preventive, diagnostic, therapeutic, rehabilitative,
32 maintenance or palliative care; (B) counseling, assessment, procedures
33 or other mental health services; and (C) the sale or dispensing of a
34 drug, a device, equipment or another item to an individual in
35 accordance with a prescription.

36 (8) "Host entity" means an entity operating in this state which uses
37 volunteer health care practitioners to respond to an emergency.

38 (9) "License" means state authorization to provide health care
39 services or authorization to provide health care services based upon a
40 national certification issued by a public or private entity.

41 (10) "Person" means any natural person, corporation, partnership,
42 limited liability company, unincorporated business, government or
43 governmental entity or any other legal or commercial entity.

44 (11) "Scope of practice" means the extent of the authorization to
45 provide health care services granted to a health care practitioner by a
46 license issued to the practitioner.

47 (12) "State" means a state of the United States, the District of
48 Columbia, Puerto Rico, the United States Virgin Islands or any
49 territory or insular possession subject to the jurisdiction of the United
50 States.

51 (13) "Volunteer health care practitioner" means a health care
52 practitioner who provides health care services, whether or not the
53 practitioner receives compensation for those services, but does not
54 include a health care practitioner who receives compensation pursuant
55 to a preexisting employment relationship with a host entity or affiliate
56 which requires the practitioner to provide health care services in this
57 state, unless such practitioner is not a resident of this state and is
58 employed by a disaster relief organization providing services in this
59 state while an emergency declaration is in effect.

60 Sec. 2. (NEW) (*Effective January 1, 2010*) (a) While an emergency
61 declaration is in effect, a volunteer health care practitioner who is
62 licensed in another state and registered in accordance with this section
63 may provide health care services in this state as if the practitioner were
64 licensed to provide such services in this state, provided such
65 practitioner's license has not been suspended, revoked, voluntarily
66 terminated under threat of sanction or subject to an agency order
67 limiting or restricting the scope of practice.

68 (b) A volunteer health care practitioner shall register with a
69 volunteer health care practitioner system organization in order to
70 provide health care services in this state during an emergency. Any
71 such organization shall: (1) Accept applications for the registration of
72 volunteer health care practitioners prior to or during an emergency; (2)
73 include information about the licensure and good standing of
74 volunteer health care practitioners that is accessible by authorized
75 persons; (3) be capable of confirming the accuracy of information
76 concerning whether a volunteer health care practitioner is licensed and
77 in good standing in another state before health care services are
78 provided under this section; and (4) meet any one of the following
79 conditions: (A) Be an emergency system for advance registration of

80 volunteer health care practitioners established by a state and funded
81 through the Health Resources Services Administration under Section
82 319I of the Public Health Services Act, 42 USC 247d-7b, as amended
83 from time to time; (B) be a local unit consisting of trained and
84 equipped emergency response, public health and medical personnel
85 formed pursuant to Section 2801 of the Public Health Services Act, 42
86 USC 300hh, as amended from time to time; (C) be operated by (i) a
87 disaster relief organization; (ii) a licensing board; (iii) a national or
88 regional association of licensing boards or health care practitioners;
89 (iv) a health care facility that provides comprehensive inpatient and
90 outpatient health care services, including a tertiary care and teaching
91 hospital; or (v) a governmental entity; or (D) be designated by the
92 Department of Public Health or the Department of Emergency
93 Management and Homeland Security as a volunteer registration
94 system organization for purposes of this section.

95 (c) Upon the request of the Commissioner of Public Health, the
96 Commissioner of Emergency Management and Homeland Security or
97 a designee of said commissioners, the volunteer registration system
98 organization shall confirm whether a volunteer health care practitioner
99 is registered in accordance with subsection (a) of this section and
100 whether the system indicates that such practitioner is licensed and in
101 good standing.

102 (d) This section shall not be construed to authorize a volunteer
103 health care practitioner to provide health care services in this state that
104 are outside such practitioner's scope of practice in the state where such
105 practitioner is licensed, or to provide health care services that are
106 outside of the scope of practice for a practitioner holding a comparable
107 license in this state.

108 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) While an emergency
109 declaration is in effect, the Department of Public Health and the
110 Department of Emergency Management and Homeland Security may
111 issue an order to limit, restrict or otherwise regulate the practice of
112 volunteer health care practitioners. Such limitations and restrictions

113 may include, but are not limited to: (1) The duration of practice by
114 volunteer health care practitioners; (2) the geographical areas in which
115 volunteer health care practitioners may practice; (3) the types of
116 volunteer health care practitioners who may practice; and (4) any other
117 matters necessary to coordinate the provision of health care services
118 during the emergency.

119 (b) A host entity that uses volunteer health care practitioners to
120 provide health care services in this state shall: (1) Consult and
121 coordinate its activities with the Department of Public Health and the
122 Department of Emergency Management and Homeland Security to the
123 extent practicable to provide for the efficient and effective use of
124 volunteer health care practitioners; and (2) comply with any order of
125 the Commissioner of Public Health or the Commissioner of Emergency
126 Management and Homeland Security.

127 Sec. 4. (NEW) (*Effective January 1, 2010*) (a) A volunteer health care
128 practitioner who fails to register pursuant to the provisions of section 2
129 of this act or violates any provision of sections 2 and 3 of this act shall
130 have engaged in unauthorized practice if the practitioner had reason to
131 know of any limitation, modification or restriction under section 2 or 3
132 of this act or if a similarly licensed practitioner in this state would not
133 be permitted to provide such health care services. For the purposes of
134 this section, a volunteer health care practitioner has reason to know of
135 a limitation, modification or restriction or that a similarly licensed
136 practitioner in this state would not be permitted to provide a health
137 care service if such practitioner had actual knowledge, or if from all the
138 facts and circumstances known to the practitioner at the relevant time,
139 a reasonable person would conclude that the limitation, modification
140 or restriction exists or that a similarly licensed practitioner in this state
141 would not be permitted to provide the health care service.

142 (b) A licensing board or other disciplinary authority in this state
143 may impose administrative sanctions upon a volunteer health care
144 practitioner licensed in this state for conduct outside of this state in
145 response to an out-of-state emergency.

146 (c) A licensing board or other disciplinary authority in this state
147 may impose administrative sanctions upon a volunteer health care
148 practitioner not licensed in this state for conduct in this state in
149 response to an emergency in this state.

150 (d) In determining whether to impose administrative sanctions
151 under subsection (b) or (c) of this section, a licensing board or other
152 disciplinary authority shall consider the circumstances in which the
153 conduct took place, including any exigent circumstances, and the
154 practitioner's scope of practice, education, training, experience and
155 specialized skill.

156 (e) Such licensing board or other authority shall report any
157 administrative sanctions imposed upon a volunteer health care
158 practitioner licensed in another state to the appropriate licensing board
159 or other disciplinary authority in the other state in which such
160 practitioner is known to be licensed.

161 Sec. 5. (NEW) (*Effective January 1, 2010*) (a) Sections 1 to 4, inclusive,
162 of this act shall not be construed to limit the rights, privileges or
163 immunities provided to volunteer health care practitioners by any
164 other provision of the general statutes. Except as otherwise provided
165 in subsection (b) of this section, sections 1 to 4, inclusive, of this act
166 shall not affect requirements for the use of volunteer health care
167 practitioners pursuant to the Emergency Management Assistance
168 Compact.

169 (b) The Department of Public Health or the Department of
170 Emergency Management and Homeland Security, pursuant to the
171 Emergency Management Assistance Compact, may incorporate into
172 the emergency forces of this state volunteer health care practitioners
173 who are not officers or employees of this state, a political subdivision
174 of this state or a municipality or other local government within this
175 state.

176 Sec. 6. (NEW) (*Effective January 1, 2010*) The Department of Public

177 Health or the Department of Emergency Management and Homeland
 178 Security may adopt regulations, in accordance with the provisions of
 179 chapter 54 of the general statutes, to implement the provisions of
 180 sections 1 to 5, inclusive, of this act. Any such regulations shall
 181 reference the coordination and implementation requirements
 182 prescribed in the Emergency Management Assistance Compact. In
 183 adopting any such regulations, said departments shall consider
 184 comparable regulations adopted by similarly empowered agencies in
 185 other states in order to achieve uniformity and consistency, to a
 186 reasonable extent, in the application of the provisions of sections 1 to 5,
 187 inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	New section
Sec. 6	<i>January 1, 2010</i>	New section

PS *Joint Favorable C/R* PH
PH *Joint Favorable Subst.*